

REMARKS/ARGUMENTS

This paper is submitted responsive to the office action mailed August 18, 2010. Reconsideration of the application in light of the accompanying remarks and amendments is respectfully requested.

In the aforesaid action, the Examiner rejected claims 37-46 under 35 USC 112, first paragraph, due to the recitation of the counter-cone which was added to claims 37 and 38. While it is believed that this structure was implied by the specification, the language concerning the counter-cone has been deleted so as to simplify issues in this application. Thus, the rejection under 35 USC 112, first paragraph, is believed to be resolved.

The action also contains a rejection of all claims based upon prior art. Independent claim 37 and 38 had been rejected as an obvious combination of Bower, Wilson and Starr.

Claims 37 and 38 each recite bevel **24** which, as shown in the drawings, is a straight-walled conical shape extending from top plate **12** to shank **36**, and tapering from top plate **12** toward shank **36**. Claims 37 and 38 have been amended to further recite that bevelled portion (24) defines a straight-walled conical shape. Support for this amendment is contained in both the drawings, for example Figures 1, 2 and 3, and also in the specification for example on page 7, second paragraph. No new matter has been added.

With respect to the prior art, the Examiner has conceded that neither Bower nor Wilson discloses the bevel recited in claims 37 and 38. To remedy this deficiency, the Examiner has turned to the teachings of Starr. Reconsideration of this holding is respectfully requested, as the teachings of Starr are drawn to a plastic closure plug and container flange plug

assembly, and the disclosure of Starr is clearly drawn with emphasis to the plastic structure. See, for example, column 1 of Starr in its entirety.

In contrast, the present claims call for the plug to be made from a metallic material, and the combination of the claim calling for an oil line or oil tank to be fitted with the screw plug of the present invention, with the screw plug being of a metallic material, clearly excludes the use of plastic closure plugs. Both Bower and Wilson appear to be drawn to structures where metallic plugs are similarly needed. Thus, the Starr reference is diverse from both Bower and Wilson and claim 37 and 38. With respect to the diversity from Bower and Wilson, this has the effect that a person of ordinary skill in the art would not consider the shapes, disclosures and the like of Starr to be useful with the disclosures of Bower or Wilson. Accordingly, it is submitted that this combination of references is not proper.

Claims 37 and 38 have also been amended to further specify that bevelled portion **24** defines a straight-walled conical shape. This is as shown in the drawings. Turning to the art of record, it is accepted that both Bower and Wilson fail to disclose any type of bevelled portion at all. The portion of Starr utilized by the Examiner to meet the bevelled portion claim limitations is sealing lip **39**, and this sealing lip, in a plastic closure plug, is clearly shown to have a curved structure. The curved structure of sealing lip **39** may be suitable for plastic items of manufacture, and may provide acceptable seal in a plastic material environment. However, when working with metals such as the articles of the present invention, such a curved shape is both impractical and ineffective. Thus, the structure of Starr is different from that called for by claims 37 and 38 as amended, and again is

asserted to be inapplicable to the subject matter of the present invention as well as the two previously cited references to Wilson and Bower.

Based upon the foregoing, it is respectfully submitted that claims 37 and 38 define over all art of record, and early and favorable action is requested.

Dependent claims 39-46 are also pending in the application, and are submitted to be allowable over the art of record based upon their dependency from independent claims 37 or 38. In this regard, it is noted that independent claim 38 calls for external thread (22) to project radially beyond the tube-ward foot contour (25). This is best shown in Figure 2, wherein the tube-ward foot contour (25) or the point where bevelled portion **24** meets shank **36**, is shown. External thread (22) extends radially outward past this point (25).

This subject matter has not been specifically addressed in the office action, and it is noted that none of the art of record shows such a structure. As noted above, neither Bower or Wilson discloses a bevelled portion of any sort. In the meantime, the sealing lip **39** of Starr, which has been treated as a bevelled portion in the pending rejection, does not extend all the way to the shank, but rather terminates at a corner portion, and the external threads do not extend radially beyond this corner portion. Thus, the structure of Starr, even if combined with Bower and Wilson, does not reach the subject matter of independent claim 38. In this regard, new claim 73 calls for similar subject matter dependent from independent claim 37, and specifically recites that the external thread (22) extends radially beyond the bevelled portion **24** at a point where the bevelled portion **24** meets the shank **36**. Nothing in the art of record discloses this subject matter.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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